

BUENA VISTA COUNTY ORDINANCE 6.4

Title: AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH IN THE VICINITY OF THE STORM LAKE MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE STORM LAKE MUNICIPAL AIRPORT HEIGHT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING AN AIRPORT ZONING BOARD; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This ordinance is adopted pursuant to the authority conferred on the City of Storm Lake, Buena Vista County, and Sac County, Section 329.3 Code of Iowa. It is hereby found that an airport hazard endangers the lives and property of users of Storm Lake Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

- 1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the City/County served by the Storm Lake Municipal Airport.
- 2) That it is necessary in the interest of the public health, public safety, and general welfare that creation of airports hazards be prevented; and
- 3) That this should be accomplished, to the extent legally possible, by proper exercise of the police power; and
- 4) That the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City of Storm Lake and the Counties of Buena Vista and Sac may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

SECTION 1. Short title. This Ordinance shall be known and may be cited as "The Storm Lake Municipal Airport Height Zoning Ordinance."

SECTION 2. Definitions. As used in this ordinance, unless the context otherwise requires:

- 1) Airport. The Storm Lake Municipal Airport.

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- 2) Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,487.5 feet.
 - 3) Airport Hazard. Any structure or tree or use of land which would exceed the Federal Obstruction standards as contained in fourteen Code of Federal Regulations Sections seventy point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) latest revisions and which obstruct the airspace required for flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
 - 4) Airport Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the runway obstacle free zone extends 200 feet beyond each end of that runway. The width of the runway obstacle free zone of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point of the runway obstacle free zone is the same as the elevation of the nearest point on the runway centerline.
 - 5) Airspace Height. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
 - 6) Control Zone. Airspace extending upward from the surface of a circular is of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
 - 7) Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
 - 8) Minimum Descent Altitude. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
 - 9) Minimum Enroute Altitude. The altitude in effect between fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
 - 10) Minimum Obstruction Clearance Altitude. The specified altitude in effect
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between radio fixes on VOR airways, off airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

- 11) Runway. A defined area on an airport prepared for landing and takeoff or aircraft along its length.
- 12) Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

SECTION 3. Airport Zones and Airspace Limitations. In order to carry out the provisions of this Section, there are hereby created and established certain zones, which are depicted on the Storm Lake Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1) Airport Height Zones.

A. Horizontal Zone--The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

1. Swinging arcs of 5,000 feet rad from the center of each end of each end of the primary surface of runways 13, 31, 6 and 25 connecting the adjacent arcs by lines tangent to those arcs.
2. Swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 17 and 35, and connecting the adjacent arcs to lines tangent to those arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

B. Conical Zone--The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical Lake Municipal Airport Height Zoning Map.

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C. Approach Zone--The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for the runway end.)

1. The inner edge of the Approach Surface is:
 - (a) 250 feet wide for Runways 6 and 24.
 - (b) 500 feet wide for Runways 13 and 31, Runways 17 and 35.
2. The outer edge of the approach zone is:
 - (a) 1,250 feet for Runways 6 and 24.
 - (b) 1,500 feet for Runway 13.
 - (c) 2,000 feet for Runway 31.
 - (d) 3,500 feet for Runways 17 and 35.
3. The Approach zone extends for a horizontal distance of:
 - (a) 5,000 feet at a slope of 20 to 1 for Runways 13, 31, 6 and 24.
 - (b) 10,000 feet as a slope of 34 to 1 for Runways 17 and 35.

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

D. Transitional Zone--The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the Approach Surfaces.

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

E. No structures shall be erected in Buena Vista County that raises the published Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Buena Vista County.

SECTION 4. Use Restrictions. Notwithstanding any other provisions of Section 4, no use may be made of land or water within the City of Storm Lake, Buena Vista County, or Sac County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

- A. All lights or illumination used in conjunction with street, parking signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Storm Lake Municipal Airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Storm Lake Municipal Airport.
- C. No operations from any use in the City of Storm Lake, Buena Vista County or Sac County, shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

SECTION 5. Lighting.

- A. NOTWITHSTANDING the provisions of Section 5, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.
- B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Storm Lake, Buena Vista County, or Sac County, at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

SECTION 6. Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the

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application has been submitted to the Storm Lake Municipal Airport Commission for its opinion as to the aero-nautical effects of such a variance. If the Storm Lake Airport Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

SECTION 7. Board of Adjustment.

- A. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Board in the enforcement of this Ordinance; (2) to hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustments under such regulations may be required to pass; (3) and to hear and decide specific variances.
- B. The Board of Adjustment shall consist of seven (7) members appointed pursuant to the provisions of Section 329.12, Code of Iowa, and each shall serve for a term of five years and until his successor is duly appointed and qualified.
- C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of Board shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other officials actions, all of which shall immediately be filed in the Office of the Storm Lake City Zoning Administrator, and undue cause shown.
- D. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 114.12.
- E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.

SECTION 8. Judicial Review. Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statutes, section 414.15.

SECTION 9. Administrative Agency. It shall be the duty of the Storm Lake Zoning Officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Storm Lake City Zoning Officer upon a form furnished by him. Applications required by this Ordinance to be submitted to the administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Storm Lake Zoning Officer.

SECTION 10. Penalties. Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than thirty days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION 11. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION 12. Severability. If any provisions, of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect, without the invalid provision or application, and to this and the provisions of the Ordinance are declared to be severable.